



620 Eighth Avenue
New York, New York 10018
(212) 218-5500
fax (212) 218-5526
www.seyfarth.com

Writer's direct phone

(212) 218-5522

Writer's e-mail

eschrero@seyfarth.com

Writer's direct fax

(917) 344-1249

October 28, 2012

VIA EMAIL AND ECF

United States District Judge Andrew L. Carter, Jr.
United States District Court
Southern District of New York
500 Pearl Street, Room 725
New York, NY 10007
ALCarterNYSDChambers@nysd.uscourts.gov

Re: **G Investors Holding LLC v. Lincoln Benefit Life Company Inc.**
(USDC, SDNY, No. 09-cv-02980)

Dear Judge Carter:

This firm represents Lincoln Benefit Life Company Inc. ("Lincoln") in the above-referenced action. We write in connection with the impending storm that is about to descend upon New York and its potential impact on the upcoming trial, scheduled to commence tomorrow morning at 9:30 am. While Lincoln is trial ready, we have learned that the Court will be closed tomorrow (and likely Tuesday), forcing the trial to start, at the earliest, on Wednesday, October 31, 2012. Under the circumstances, Lincoln hereby respectfully requests a formal postponement of the commencement of the trial to Wednesday, November 7, 2012, or some other mutually agreed upon date.

If the trial commences this Wednesday, there will be only about a day and a half of trial this week (as Your Honor does not sit on Fridays), after which Lincoln's two witnesses and client representative ("Lincoln witnesses") will return to their homes in Lincoln, Nebraska, Salt Lake City, Utah and Chicago, Illinois for the weekend, only to have to return to New York on Sunday evening to be in Court the following Monday (November 5). The Court, however, is closed on Tuesday, November 6 for Election Day, and will likely reconvene on Wednesday, November 7. Such a scenario would impose undue burden upon the Lincoln witnesses and may deprive them of their right to vote on Election Day if they have to be in Court on November 5, and return home that evening, only to return to New York on Tuesday evening to be in Court on Wednesday, November 7, thereby imposing a significant burden in time and expense, potentially forcing them to choose between staying in New York instead of traveling back to their homes for less than one day or being deprived of an opportunity to vote in the Presidential Election. There

ATLANTA BOSTON CHICAGO HOUSTON LOS ANGELES NEW YORK SACRAMENTO SAN FRANCISCO WASHINGTON, D.C. LONDON



United States District Judge Andrew L. Carter, Jr.

October 28, 2012

Page 2

is no similar impact on plaintiff since plaintiff's witnesses and client representatives are in New York. Absent the storm, the trial would have commenced on October 29 and would have been completed, at the latest, by Monday, November 5.

Lincoln therefore respectfully requests that the Court adjourn the commencement of the trial until Wednesday, November 7. We understand that plaintiff's counsel is scheduled to commence a trial in mid-November. We do not wish to place an additional burden on his schedule. Therefore, we would suggest, in the alternative, that the trial commence during the week of December 10 when the Lincoln witnesses are available. By this request, Lincoln seeks no tactical advantage. As stated above, Lincoln is trial-ready. However, we do not believe that the circumstances beyond anyone's control should force the Lincoln witnesses to travel to New York not less than three times in the span of less than two weeks.

We thank the Court for its consideration of this matter.

Respectfully submitted,

SEYFARTH SHAW LLP

A handwritten signature in black ink, appearing to read "Elizabeth D. Schrero".

Elizabeth D. Schrero

cc: Dennis D'Antonio, Esq. (by email)
Derek M. Zisser, Esq. (by email)
Richard M. Resnik, Esq. (by email)
Jay W. Cho, Esq. (by email)